

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

77 September 6, 2016

*Lori Glasgow*  
LORI GLASGOW  
EXECUTIVE OFFICER

255 S. Lasky Drive, Beverly Hills CA 90212 (310) 551-5100

August 10, 2016

Dean C. Logan, Registrar of Voters  
County of Los Angeles Registrar of Voters  
12400 Imperial Highway  
Norwalk, CA 90650

Lori Glasgow, Executive Officer/ Clerk of the Board,  
Board of Supervisors, Los Angeles County  
500 W. Temple Street  
Los Angeles, CA 90012

Re: Beverly Hills Unified School District November 8, 2016 Bond Measure Election

Enclosed please find the Beverly Hills Unified School District Board of Education RESOLUTION NO. 2016-2017-004 "RESOLUTION OF THE BOARD OF EDUCATION OF BEVERLY HILLS UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on August 9, 2016 calling for a November 8, 2016 local bond election.

Also enclosed is our Tax Rate Statement.

We expect Exhibit B to be printed in its entirety in each sample ballot/voter pamphlet.

By this letter we are formally requesting to review a proof of the ballot statement language, the full text of the ballot proposition, impartial analysis and ballot arguments that would appear in the voter pamphlet prior to publishing. Please direct this proof to the undersigned as soon as it is available.

We believe that Education Code Section 15122.5 is not applicable and we request that the County not include the following "State Matching Funds" language in the ballot or voter pamphlet:

"Approval of Measure \_\_\_\_\_ does not guarantee that the proposed project or projects in the Beverly Hills Unified School District that are the subject of bonds under Measure \_\_\_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_\_\_. The district's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure."

If possible, the District would like to request the measure letter designation of "BH". If not possible, the District requests that we not be assigned the letters "F, N or O".

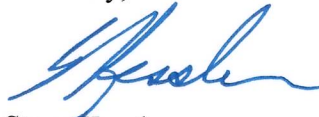
We would be more than happy to provide you with the resolution electronically in order to facilitate your work, or to assist with this process in any other manner.

Board of Education  
Administrative Staff

President-Howard Goldstein, Vice President-Mel Spitz, Isabel Hacker, Lisa Korbatov, Noah Margo  
Superintendent-Steve Kessler, Chief Administrative Officer-La Tanya Kirk-Carter  
Chief Academic Officer-Jennifer Tedford, Ed.D., Chief Human Resources Officer-Yolanda Mendoza

This letter also authorizes you to contact David Casnocha of Stradling Yocca Carlson & Rauth, our bond counsel, at (415) 283-2241 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Kessler", with a stylized, flowing script.

Steve Kessler  
Superintendent of Schools

Enclosure

cc: David G. Casnocha

\_\_\_\_\_, 2016

Acknowledgement:

I, \_\_\_\_\_, of the Elections Office of the Los Angeles County Registrar of Voters acknowledge receipt of BEVERLY HILLS UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION NO. 2016-2017 "RESOLUTION OF THE BOARD OF EDUCATION OF BEVERLY HILLS UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on July 19, 2016 calling for a November 8, 2016 election.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Time*

## RESOLUTION NO. 2016-2017-004

## RESOLUTION OF THE BOARD OF EDUCATION OF BEVERLY HILLS UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Education (the "Board") of the Beverly Hills Unified School District (the "District") is committed to improve the quality of education in Beverly Hills public schools by providing highly effective, high performing and safe learning environments, and by upgrading aging schools, classrooms, and science labs to keep pace with learning technology; and

WHEREAS, the Board acknowledges that for our students to be prepared for college and career choices they must be skilled in the use of 21<sup>st</sup> Century technologies; and

WHEREAS, many of the District's old classrooms have inadequate electrical capacity and out-of-date science labs which cannot adequately integrate modern classroom learning technology; and

WHEREAS, the Board further insists that all of the District's classrooms must be safe, secure, and free of unhealthy asbestos, and upgraded to current earthquake safety codes; and

WHEREAS, the State of California (the "State") is unable to provide the District with enough money for the District to adequately update its educational facilities; and

WHEREAS, the Board believes it is in the best interest of the District to address facility improvements now before they become more pressing and more costly; and

WHEREAS, to improve and standardize our learning environments, the District must secure securing local funding that the State cannot take away; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District's bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to upgrade aging schools, protect student health and safety, and improve the quality of education; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as promised; and

WHEREAS, the Board and District has solicited stakeholder and community input on school priorities from parents, teachers, staff and the community; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision that exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials relating to the election, including any ballot pamphlet prepared, sponsored, or distributed by the District; and

WHEREAS, the Board desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the Los Angeles County Registrar of Voters to conduct an election under the provisions of Proposition 46 and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$260,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 8, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A," incorporated by reference herein, and containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. The ballot propositions in Exhibits "A" and "B" are subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other school operating expenses;

(b) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies get spent only for the projects identified in Exhibit "B" hereto;

(c) that the Board shall cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(d) that the Board shall appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274; and

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.



Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District. Pursuant to Elections Code Section 10403 the Board acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 10408.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 12, 2016.

Section 8. That any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto or pursuant to Section 53506 of the Government Code. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Los Angeles County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 9<sup>th</sup> day of August, 2016.

BOARD OF EDUCATION OF THE BEVERLY  
HILLS UNIFIED SCHOOL DISTRICT

By 

President

Attest:

  
Secretary

STATE OF CALIFORNIA     )  
  )ss  
LOS ANGELES COUNTY     )

I, Steve Kessler, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2016-2017-004, which was duly adopted by the Board of Education of the Beverly Hills Unified School District at the meeting thereof held on the 9<sup>th</sup> day of August, 2016, and that it was so adopted by the following vote:

AYES: Mr. Margo, Mrs. Korbator, Mr. Goldstein

NOES: Mrs. Hacker, Mr. Spitz

ABSENT:

ABSTENTIONS:

By   
Secretary

## EXHIBIT A

“To improve aging Beverly Hills schools, upgrade inefficient heating, cooling/ electrical systems causing significant maintenance cost savings redirected to classroom instruction, upgrade/ repair classrooms, libraries/ science labs, replace deteriorating restrooms/ leaky roofs, complete deferred maintenance projects, provide modern classroom technology infrastructure, upgrade, construct/ acquire classrooms, facilities/ sites with local funding the State cannot take away, shall Beverly Hills Unified School District issue \$260,000,000 of bonds at legal rates, with strict citizen oversight, annual audits/ all funds for Beverly Hills schools?”

Bonds – Yes

Bonds – No



## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

The following is the full proposition presented to the voters by the Beverly Hills Unified School District.

“To improve aging Beverly Hills schools, upgrade inefficient heating, cooling/ electrical systems causing significant maintenance cost savings redirected to classroom instruction, upgrade/ repair classrooms, libraries/ science labs, replace deteriorating restrooms/ leaky roofs, complete deferred maintenance projects, provide modern classroom technology infrastructure, upgrade, construct/ acquire classrooms, facilities/ sites with local funding the State cannot take away, shall Beverly Hills Unified School District issue \$260,000,000 of bonds at legal rates, with strict citizen oversight, annual audits/ all funds for Beverly Hills schools?”

### PROJECT LIST

The Board of Education of the Beverly Hills Unified School District is committed to improving the quality of education by providing students and teachers with safe and secure facilities with up-to-date technology infrastructure needed to prepare students for 21<sup>st</sup> Century academic standards and jobs. The District conducted a facilities evaluation and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board concluded that if these needs are not addressed now, the problems will only become more pressing and expensive to address. **Therefore, in approving this Project List, the Board of Education determines that the District MUST:**

- (i) **Complete deferred maintenance projects and upgrade inefficient heating, ventilation and air conditioning systems, annually saving significant maintenance expenses which savings can be returned to classroom instruction.**
- (ii) **Improve earthquake and fire safety of all school buildings.**
- (iii) **Repair or replace old, leaky roofs, and inadequate electrical systems.**
- (iv) **Prohibit bond money from being used for non-construction administrative costs;**
- (v) **Adhere to specific fiscal accountability safeguards such as:**
  - (a) **Prohibit the State from taking any of the funds raised.**
  - (b) **All expenditures will be subject to ANNUAL INDEPENDENT FINANCIAL AUDITS.**
  - (c) **No funds will be used for administrators’ salaries and/or pensions.**
  - (d) **All funds will stay in the District and be subject to local control.**
  - (e) **AN INDEPENDENT CITIZENS’ OVERSIGHT COMMITTEE WILL BE APPOINTED TO ENSURE THAT ALL FUNDS ARE SPENT ONLY AS AUTHORIZED.**

The Project List includes all of the following types of upgrades and improvements at District sites:

### **Local School Repair and Upgrade Projects To Save Annual Maintenance Expenses**

**Goal and Purpose:** To provide local funds which cannot be taken away by the State so that the District can significantly reduce its annual maintenance budget and return the savings to the classroom, every local school will benefit from projects including:

- **Repair** or replace old, worn-out school floors and walls, restrooms, windows, and **leaky roofs**.
- Replace and repair aging school plumbing systems and restrooms.
- Repair, modernize, construct and acquire classrooms, replacing out-of-date science labs and facilities with up-to-date classrooms.
- Add electrical service capacity to relieve overloaded electrical systems so that it can handle modern instructional technology.

### **Energy Efficiency – Returning Savings to the Classroom**

- Install energy efficient systems to save money and protect the quality of instruction in core subjects like reading, math, science and technology.
- Replace older heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems which will save money for educational uses.

### **School Safety, Security and Health Wellness Projects**

**Goal and Purpose:** Since good, safe and up-to-date schools help protect and improve local property values and, improve the quality of teaching especially in the areas of science, technology, arts and music, every school and school sites will benefit from a variety of health and safety projects, such as:

### **Student Safety and Security**

- Improve the **earthquake safety** of school buildings.
- Upgrade **fire safety** systems of older buildings including fire alarm equipment and sprinklers to make students safe in the event of an emergency.
- Improve lighting, fencing, windows, locks and other **security systems** to ensure safe school environments.
- Upgrade schools to improve accessibility by disabled students and teachers.

### **Student Health**

- Remove hazardous materials like asbestos, lead, fungus or mold from older school sites.

- Upgrade heating, air conditioning and air filtration to ensure **healthy learning environments**.

**Further, the District has developed a specific list of projects by school site to be funded with this Measure and has made initial cost estimates for those projects. This list was approved by the Board of Education on August 9, 2016 and includes the following projects:**

<b>Beverly Hills High School</b>	Modernization of buildings B4, C, L and F, construction of new facilities, development of North site and South site. Estimated cost: \$141,500,000.
<b>El Rodeo School</b>	Modernization of building E, construct new parking structure, and completion of site development. Estimated cost: \$17,000,000.
<b>Hawthorne School</b>	Modernization of existing facilities, construction of new facilities and acquisition of temporary trailers. Estimated cost: \$91,250,000.
<b>District-Wide Project</b>	Installation of wayfinding/security system. Estimated cost: \$700,000.

In addition to these estimated costs, the measure would include funds for planning and expenses, and project contingencies.

\* \* \*

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The repair of school facilities includes: the modernization of classrooms, including cabinetry, duct work, wiring, electrical systems, constructing/upgrading/replacing surface and below ground school site parking, improving campus accessibility, drop-off areas, roadways, entrances and exits, utilities, including the installation of alternative energy systems such as, but not limited to, solar panels; upgrade irrigation systems, grounds, hard court surfaces, cracked concrete, asphalt and brick surfaces, shade structures for student assembly and protecting students from inclement weather during lunch, libraries, and District support facilities; installing enhanced signage and fire sensors; improving restrooms and drinking fountains; upgrading heating, ventilation and air conditioning systems, athletic facilities, gyms, pools and play fields for safety and operational efficiency; renovating and painting interior and exterior building surfaces to extend their useful life; installing security, safety and communication systems; replacing portable classrooms and renovating auditoriums; upgrading ceilings, lighting, window and floor coverings (including tiles and carpeting). The Project List also includes the refinancing of any outstanding lease obligations, or the bridge loans taken to initiate voter approved projects; the financing/refinancing of real property acquisition and improvements; and acquiring land, making site improvements, building infrastructure and/or constructing additional facilities thereon, for the purpose of expanding instructional programs to meet future educational demands. The budget for

each project is an estimate and may be affected by factors beyond the District's control. Some projects throughout the District may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating enhanced and operationally efficient campuses. Necessary site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF EDUCATION WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED.

TAX RATE STATEMENT CONCERNING MEASURE \_\_\_\_

TAX RATE STATEMENT  
REGARDING PROPOSED  
\$260,000,000  
BEVERLY HILLS UNIFIED SCHOOL DISTRICT  
GENERAL OBLIGATION BONDS

An election will be held in the Beverly Hills Unified School District (the "District") on November 8, 2016, to authorize the sale of up to \$260,000,000 in bonds of the District to finance school facilities as described in the measure. If such bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the District, and other demonstrable factors. Based upon the foregoing and projections of the District's assessed valuation, the following information is provided:

1. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.044 per \$100 of assessed valuation (or \$44 per \$100,000 of assessed value) for fiscal year 2017-18.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.044 per \$100 of assessed valuation (or \$44 per \$100,000 of assessed value) for fiscal year 2020-21.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.044 per \$100 of assessed valuation (or \$44 per \$100,000 of assessed value), which is projected to be the same in every fiscal year that the bonds remain outstanding.
4. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is approximately \$550,000,000.

Voters should note the estimated tax rate is based on the ASSESSED VALUE of taxable property on the County's official tax rolls, not on the property's market value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property

owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the District. The actual debt service, the tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The date of sale and the amount of bonds sold at any given time will be determined by the District based on the need for project funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of sale. Actual future assessed valuations will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.



Steve Kessler  
Superintendent  
Beverly Hills Unified School District